

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Glenn Stowe,
Petitioner-Appellant,

v.

Sioux City Board of Review
Respondent-Appellee.

ORDER

Docket No. 11-107-1429
Parcel No. 8947-02-351-001

On April 22, 2013, the above captioned appeal came on for hearing before the Property Assessment Appeal Board. The hearing was conducted under Iowa Code section 441.37A(2) and Iowa Administrative Code rules 701-71.21(1) et al. Petitioner-Appellant Glenn Stowe was self-represented and requested a telephone hearing. Attorney Jack Faith represented the Sioux City Board of Review. The Appeal Board having reviewed the record, heard the testimony, and being fully advised finds:

Findings of Fact

Glenn Stowe is the owner of a residential, single-family property located at 4700 Rustin Street, Sioux City, Iowa. According to the property record card, the subject property is a one-story home built in 1920, with 1104 total square feet of living area. Other site improvements include a 468 square-foot detached garage. The improvements are of below average quality grade (5+10) and in below normal condition. The site is 4.546 acres.

Stowe protested to the Sioux City Board of Review regarding the 2011 assessment of \$80,100 allocated as \$51,500 in land value and \$28,600 in improvement value. His claim was based on the ground the property was assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(2). The Board reduced the assessment to \$59,500, representing \$33,800 in land value and \$25,700 in improvement value.

Stowe then appealed to this Board reasserting his claim.

Stowe's evidence is scant. He provided a handwritten letter explaining why he believes the subject property is over-assessed. His reasons include: 1) there is no city water or sewer, no cable, and limited police and fire protection; 2) there are cornfields on the north and east of the subject property; and 3) the subject parcel is not tillable and the soil is very poor.

Stowe testified regarding some of the surrounding properties and their values, although he did not provide any supporting evidence. Stowe testified that parcels surrounding the subject, ranging from ten to forty acres, have lower per-acre values. According to Stowe, two of these properties are farmed and one contains a residence; however, Stowe did not know whether these parcels are classified agricultural or residential. We find this testimony of limited value. Ultimately, Stowe presented no substantive, documentary evidence to support his over-assessment claim, such as property records of the surrounding parcels, an appraisal, or recent sales of comparable properties.

The Board of Review submitted an affidavit from Sioux City Assessor Alan Jordan. Jordan's affidavit describes the assessor's methodology in valuing the subject's land and improvements. He states that residential improvement values in Sioux City were determined based on 4,986 sales that occurred from 2006 to 2010. A five-percent downward adjustment was made to the entirety of Sioux City and an additional eight-percent downward adjustment was made to the Rural East Sioux City neighborhood where the subject is located.

In terms of land values, the assessor's office determined that as lot sizes increased, the per-square-foot value decreased and valued the subject property accordingly. In addition, the assessor applied a twenty-percent downward adjustment to the subject because of its topography and an additional ninety-percent downward topography adjustment to all subject land over 100,000 square feet. By this method, the assessor arrived at the subject's land value of \$51,500, which the Board of Review subsequently reduced.

Based on the evidence and testimony, we find Stowe has not proved the subject property's assessment is excessive or its fair market value to succeed in his over-assessment claim.

Conclusion of Law

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. This Board is an agency and the provisions of the Administrative Procedure Act apply. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review, but considers only those grounds presented to or considered by the Board of Review. §§ 441.37A(3)(a); 441.37A(1)(b). New or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). Market value essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. § 441.21(1)(b). If sales are not available to determine market value then "other factors," such as income and/or cost, may be considered. § 441.21(2). The property's assessed value shall be one hundred percent of its actual value. § 441.21(1)(a).

In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(2), the taxpayer must show: 1) the assessment is excessive and 2) the subject property's correct value. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275,

277 (Iowa 1995). Although Stowe testified that surrounding properties have lower values per acre, he provides no additional information about these properties, such as their topography or classification. Further, Stowe did not submit any evidence from which the property's fair market value can be determined, such as an appraisal or adjusted sales of comparable properties.

Viewing the evidence as a whole, we find Stowe has not proved by a preponderance of the evidence the property's assessment is excessive or its correct value as of January 1, 2011. Therefore, we affirm the subject property's assessment as determined by the Board of Review of \$59,500, representing \$33,800 in land value and \$25,700 in improvement value.

THE APPEAL BOARD ORDERS the January 1, 2011, assessment of the subject property as determined by the Sioux City Board of Review is affirmed.

Dated this 13th day of May, 2013.

Stewart Iverson
Stewart Iverson, Presiding Officer

Jacqueline Rypma
Jacqueline Rypma, Board Member

Karen Oberman
Karen Oberman, Board Member

Copies to:

Glenn Stowe
4700 Rustin Street
Sioux, City, Iowa 51108
APPELLANT

Jack Faith
705 Douglas Street Suite 207
Sioux City, Iowa 51101
ATTORNEY FOR APPELLEE

Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>May 13, 2013</u> .	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX <input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	<u>Jean Cooper</u>